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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD
MINUTES

The New Motor Vehicle Board held a Special meeting on June 6, 2002, in Hearing Room #1, at the offices of the New Motor Vehicle Board ("Board").

2. **ROLL CALL**

Glenn E. Stevens, Vice President of the Board, called the Special meeting to order at 10:00 a.m.

Present:	Wendy Brogin	Tom Novi
	Robert T. (Tom) Flesh	Executive Director
	Angelo Quaranta	Howard Weinberg
	Solon C. Soteras	General Counsel
	Glenn E. Stevens	Robin Parker
		Senior Staff Counsel
		Cara O'Neill-Stewart
		Staff Counsel

Since the agenda items involved case management issues, the Public members only were in attendance.

3. **CLOSED EXECUTIVE SESSION**

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board shall convene in a closed Executive Session to deliberate on the decisions to be reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Consideration of Proposed Decision.

CORNING TRUCK & RADIATOR SERVICE, INC. vs. INTERNATIONAL TRUCK & ENGINE CORPORATION
Protest No. PR-1765-01

Consideration of the Administrative Law Judge's Proposed Decision, by the Public members of the Board.

Mr. Stevens requested that this item be taken out of order to accommodate counsel present for agenda items 5(a) and 5(b).

5. **CONSIDERATION OF PETITIONS OBJECTED TO PURSUANT TO TITLE 13, CALIFORNIA CODE OF REGULATIONS, SECTION 557**

- a. DAUGHERTY LINCOLN MERCURY v. FORD MOTOR COMPANY, LINCOLN MERCURY DIVISION; WINTER VOLVO LINCOLN MERCURY
Petition No. P-442-02

First consideration by the Public members of the Board pursuant to Title 13, California Code of Regulations, section 554, et seq.

Oral arguments were presented before the Public members of the Board. Michael M. Sieving, Esq., of Law Offices of Michael M. Sieving, represented Petitioner. Cranston J. Williams, Esq., of Baker & Hostetler, LLP, represented Respondent Ford Motor Company. Robert M. Wheatley, Esq., of Laurie, Maloney & Wheatley, represented Respondent Winter Volvo Lincoln Mercury.

Mr. Flesh moved the Board accept jurisdiction of the Petition and assign it to an administrative law judge for hearing. Mr. Quaranta seconded the motion. The motion carried unanimously.

- b. WHEELER OLDSMOBILE-CADILLAC v. GENERAL MOTORS CORPORATION
Petition No. P-443-02

First consideration by the Public members of the Board pursuant to Title 13, California Code of Regulations, section 554, et seq.

Oral arguments were presented before the Public members of the Board. Michael J. Flanagan, Esq., of Law Offices of Michael J. Flanagan, represented Petitioner. No appearance was made by Respondent.

Consistent with case law, the members made it clear on the record that the Board cannot award damages.

Mr. Soteras moved to accept jurisdiction of the Petition as amended to strike the prayer for damages, attorneys fees and cost, and assign it to an administrative law judge for hearing. Mrs. Brogin seconded the motion. Mr. Flesh was opposed. The motion carried with a four-to-one vote.

3. **CLOSED EXECUTIVE SESSION**

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board shall convene in a closed Executive Session to deliberate on the decisions to be reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Consideration of Proposed Decision.

CORNING TRUCK & RADIATOR SERVICE, INC. vs. INTERNATIONAL TRUCK & ENGINE CORPORATION
Protest No. PR-1765-01

Consideration of the Administrative Law Judge's Proposed Decision, by the Public members of the Board.

Oral arguments were presented before the Public members of the Board. Arthur C. Chambers, Esq., represented Protestant. Matthew G. Jacobs, Esq. and Jeffrey S. Galvin, Esq., of Downey, Brand, Seymour & Rohwer LLP, represented Respondent.

The Public members of the Board deliberated in Closed Executive session. Mr. Stevens moved to adopt the Administrative Law Judge's Proposed Decision as the Board's Final Decision in this matter. Mrs. Brogin seconded the motion. The motion carried unanimously.

4. **OPEN SESSION**

The Board members returned to Open Session. Mr. Stevens announced that the Public members of the Board adopted the Administrative Law Judge's Proposed Decision in Corning Truck & Radiator Service, Inc. vs. International Truck & Engine Corporation.

5. **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at 12:32 p.m.

Submitted by

Signature on file

TOM NOVI
Executive Director

Signature on file

APPROVED: _____
Glenn E. Stevens
Vice President
New Motor Vehicle Board